



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,144	02/28/2000	Peter C. Lund	2380-57	9296

7590 12/19/2003

J Scott Davidson
Nixon & Vanderhye P C
1100 N Glebe Rd
8th Floor
Arlington, VA 22201

EXAMINER

JAGANNATHAN, MELANIE

ART UNIT	PAPER NUMBER
----------	--------------

2666

7

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/514,144

Applicant(s)

LUND ET AL.

Examiner

Melanie Jagannathan

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1,3-7,10-15 and 17-25 is/are rejected.
- 7) ☐ Claim(s) 2,8,9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3-7, 10-15, and 17-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. US 6,353,593.

Regarding claims 1, 3-7, 13, 17-25, the claimed first and second redundant links (claims 1, 3, 5, 6, 13, 17-18, 20-25) is anticipated by working transmission link (Figure 1, element 44) and protection transmission link (element 46). The claimed receiving a data packet with a destination address (claim 1) is anticipated by destination node (element 34) processing ATM traffic from source node (element 30) with ATM cells with switching label. See column 3, lines 39-51 and lines 57-61. The claimed over-writing destination address with a routing tag identifying only an active one of the first and second links (claim 1, 3-7, 13, 17, 19, 20) is

Art Unit: 2666

anticipated by nodes including ATM switch fabric (Figure 1, element 42) performing addressing translation for ATM traffic by translating necessary virtual path and virtual channel addresses in the switching label of the ATM cells and protection switching status determined for the working and protection links by automatic protection scheme to detect the failure of links so that the virtual path connections and virtual circuit connections for the protection path can be selected for use (Figure 4, elements 106 and 110). See column 3, lines 57-61, column 5, lines 43-48, column 6, lines 60-67 and column 7, lines 1-15.

Regarding claim 10, the claimed data packets created without regard to redundancy of first and second links is anticipated by source node receiving ATM cells for transmission independent of which link is going to be used-working or protection links.

Regarding claims 11 and 12, the claimed overwriting the standard addresses under a first operational condition and overwriting the standard addresses under a second operational condition is anticipated by automatic protection scheme checking for fault of links and if alarm indication signal for working transmission link is not received (Figure 4, elements 104 and 108) then the virtual path connections and virtual circuit connections of working link otherwise the virtual path connections and virtual circuit connections for protection link are selected (elements 106 and 110). See column 7, lines 1-15.

Regarding claims 14 and 15, the claimed modules between first and second modules are anticipated by intermediate nodes (Figure 1, element 32).

Allowable Subject Matter

3. Claims 2, 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claim 16 is allowed.

Response to Arguments

5. Applicant's arguments filed 9/4/2003 have been fully considered but they are not persuasive. Examiner appreciates detailed description of reference Chen.

Regarding claims 1, 3-7, 10-15 and 17-25, Applicants argue Chen does not disclose claimed subject matter of redundancy protection within a single node and rather discloses protection domain defined between two different nodes (30 and 34).

Examiner contends single node including multiple switch modules is disclosed by public network (Figure 1, element 20) as the single node with the intermediate nodes (element 32) as the multiple switch nodes. A working transmission link (element 44) and protection transmission link (element 46) is disclosed connecting modules.

Applicant argues Examiner has confused the internal protocol layer of claim 1, regarding the over-riding of destination address with the routing tag identifying only an active one of first and second links, with the external protocol of ATM. Examiner contends this might be true but in light of claim language, which recites the over-writing of a routing tag, the rejection is still proper. Chen discloses the ATM switch fabric (element 42) performing addressing translation for ATM traffic by translating necessary virtual path and virtual channel addresses in the

Art Unit: 2666

switching label of the ATM cells and protection switching status determined for the working and protection links by automatic protection scheme to detect the failure of links so that the virtual path connections and virtual circuit connections for the protection path can be selected for use (Figure 4, elements 106 and 110). See column 3, lines 57-61, column 5, lines 43-48, column 6, lines 60-67 and column 7, lines 1-15.

Regarding claim 20, Applicant argues Chen does not disclose claimed device-side switch core interface...to add internal routing tags to data packets identifying only N number of currently operable first and second links. Examiner contends Chen discloses input interface in Figure 1 between element 30 and 32 and output interface between element 32 and element 34. Chen discloses transmission lines subdivided into virtual channel connections, virtual path connections and virtual path groups and these groups for the working and protection sides teach the N and M redundant links. The ATM switch fabric performs address translation for labels in the virtual channel connections to designate virtual path connection extending across protection domain based on protection switching status. See column 3, lines 39-67 and column 4, lines 1-39.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 2666

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 703-305-8078. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 703-308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MJ

(Signature)

Melanie Jagannathan

Patent Examiner

AU 2666

Seema S. Rao
SEEMA S. RAO 12/11/03

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800